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July 22, 2024

VIA EMAIL: (Mansfield_Orders@hid.uscourts.gov)

Magistrate Judge Kenneth J. Mansfield
U.S. District Court, District of Hawaii
300 Ala Moana Blvd., C-338
Honolulu, HI 96850

Re: *County of Maui, Department of Environmental Management v. Komar
Maui Properties I LLC*; CV 24-00203 KJM

Dear Magistrate Judge Kenneth J. Mansfield:

Thank you for setting the July 25, 2024 status conference (Dkt. 32). Briefly, the County wishes to update the Court on the status of settlement/mediation efforts. The County has been advised that Defendant is no longer interested in mediating an agreement on the sale of the property to the County. While the Court has set an early settlement conference for September 24, 2024, the County would like to proceed as quickly as the Court can accommodate for a determination of the validity of the taking.

Defendant has sent discovery requests to the County and has indicated that it would like to do additional discovery. At the status conference, the County would like to discuss:

1. Potential hearing dates for a "stage 1" determination by the Court (see *EQT Gathering, LLC v. A Tract of Prop. Situated in Knott Cnty., Ky.*, No. CIV.A. 12-58-ART, 2012 WL 6049691, at *1 (E.D. Ky. Dec. 5, 2012) "Rule 71.1 sets out a two-stage process for eminent domain proceedings. The first stage is an expedited determination of the validity of the taking.");

2. Expedited discovery deadlines as they relate to the validity of the taking; and
3. Further Settlement options.

Best regards,



THOMAS KOLBE
Deputy Corporation Counsel

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